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October 19, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA COURIER

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Dear Ms. Salas:

On behalf of KCTZ Communications, Inc., licensee of KBZK(TV), Bozeman, Montana, there are transmitted herewith an original and five copies of its *Petition for Rule Making* proposing the substitution of channel 13 for channel 16 as the station's paired DTV allocation.

If any additional information is needed in connection with this matter, please contact me.

Respectfully submitted,



Scott S. Patrick

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OCT 19 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.622(b))
Table of Allotments,)
Digital Television Broadcast Stations)
(Bozeman, Montana))
)

MM Docket No. _____
RM- _____

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING
TO AMEND THE DTV TABLE OF ALLOTMENTS

KCTZ Communications, Inc. ("KCTZ"), licensee of KBZK(TV), Bozeman, Montana, by its attorneys and pursuant to Sections 1.401 and 73.622(a) of the Commission's Rules (47 C.F.R. §§1.401 and 73.622(a)), hereby respectfully petitions the Commission to institute a rulemaking to amend Section 73.622(b), the DTV Table of Allotments, by substituting channel 13 as the station's paired DTV allocation for the transition period in lieu of channel 16, as originally allotted. Specifically, the DTV Table of Allotments would be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Bozeman, MT	<u>16</u> , *20	<u>13</u> , *20

Issuance of a Notice of Proposed Rule Making would be consistent with the Commission's rules and policies that are designed to assist smaller market stations in recognition of the special burden that the implementation of digital television places on them – the most

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prominent being the staggered DTV construction schedule.¹ Recognizing the intricacies of DTV operations and the need for stations to maximize service efficiently, the Commission also has promised to provide broadcasters with flexibility in developing alternate allotment proposals.²

KBZK(TV) serves the Butte-Bozeman DMA, ranked 190th in the United States.³ As set forth in greater detail in the attached Engineering Statement, the proposed substitution of a VHF channel would permit KCTZ to reduce the impact of DTV build-out and operating costs. Importantly, operation on the VHF channel would improve signal coverage for viewers in the Butte-Bozeman DMA, ensuring effective service replication. Thus, the public interest would be served through enhanced service and more efficient use of the broadcast spectrum.

As demonstrated in the Engineering Statement, KBZK-DT's proposed service area encompasses the community of license as required,⁴ and the proposed allotment parameters conform with the Commission's *de minimis* interference standard.⁵ Additionally, there would be no impact to any co-channel low power television and translator stations, including any which may upgrade to Class A status.

Accordingly, for the reasons set forth above, KCTZ respectfully requests that the Commission initiate a rule making proceeding to amend Section 73.622(b) of its Rules to substitute channel 13 for channel 16 for use by KBZK-DT in Bozeman, Montana. The

¹ Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Fifth Report and Order*, MM Docket 87-268, 12 FCC Rcd 12809, ¶78 (1997).

² Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Sixth Report and Order*, MM Docket 87-268, 12 FCC Rcd 14588, ¶172 (1997).

³ Broadcasting & Cable Yearbook 2000, B-169 (2000).

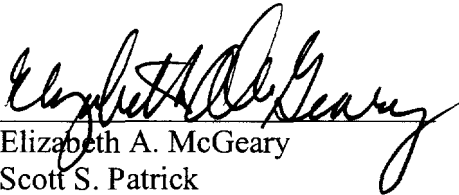
⁴ 47 C.F.R. §73.623(c)(1).

⁵ 47 C.F.R. §73.623(c)(2).

amendment would serve the public interest because the proposed change would enable KCTZ to provide better coverage and would result in a more efficient use of the broadcast spectrum.

Respectfully submitted,

KCTZ COMMUNICATIONS, INC.

By: 
Elizabeth A. McGeary
Scott S. Patrick

Its Attorneys

Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036-6802
(202) 776-2000

Dated: October 19, 2000

ATTACHMENT

Engineering Statement

ENGINEERING STATEMENT
PETITION FOR RULE MAKING
SECTION 73.622 OF THE FCC RULES
TO CHANGE DTV CHANNEL
ON BEHALF OF
KCTZ COMMUNICATIONS, INC.
KBZK(TV), BOZEMAN, MONTANA

OCTOBER 2000

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

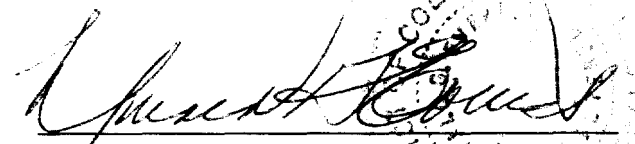
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;


That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.



Donald G. Everist
District of Columbia
Professional Engineer
Registration No. 5714

Subscribed and sworn to before me this 13th day of October, 2000.



Notary Public

My Commission Expires: 2/28/2003

COHEN, DIPPELL AND EVERIST, P. C.

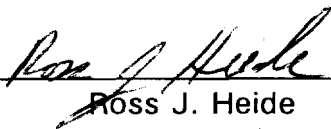
City of Washington)
) ss
District of Columbia)

Ross J. Heide, being duly sworn upon his oath, deposes and states that:

He is a graduate of the Massachusetts Institute of Technology in Operations Research and Management Science, and is a staff engineer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

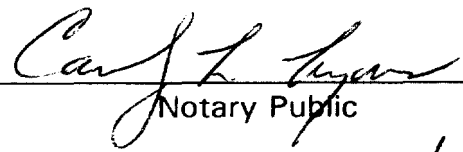
That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.



Ross J. Heide
District of Columbia

Subscribed and sworn to before me this 13th day of October, 2000.



Notary Public

My Commission Expires: 2/28/2003



This engineering statement has been prepared on behalf of KCTZ Communications, Inc., licensee of Television Station KBZK(TV), Bozeman, Montana, is assigned NTSC Channel 7. It is proposed to change the current digital television channel allotment contained in Section 73.622 of the FCC Rules from UHF Channel 16 to VHF Channel 13 with an ERP of 160 kW. 160 kW is the maximum VHF-DT ERP in Zone II for the proposed HAAT of 305 meters. The resulting service area encompasses the entire community of license.

This request is supported by an analysis of the impact of this proposal on other authorized NTSC stations, DTV stations, and other proposed DTV allotment changes. An allocation analysis has been performed using the Federal Communications Commission OET Bulletin 69 dated July 2, 1997 and the FCC supplemental processing guidelines dated August 1998. The analysis was performed by using the FCC Longley-Rice model adapted for use for an INTEL computer. The results of this adapted program have been compared to other known FCC studies and have been found to give comparable results.

<u>DTV Channel</u>	<u>Effective Radiated Power (kW)</u>	<u>Height Above Average Terrain (meters)</u>
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Existing DTV Table of Allotments, Page B-34¹

16	56.9	249
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Proposed DTV Facilities

13	160	305
----	-----	-----

¹In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service", MM Docket No. 87-268, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order (FCC 98-24), 2/12/98.

Table I shows the stations to be considered according to the processing guidelines². None of the stations are predicted to receive more than 2% new interference from the proposed Channel 13 operation. Also, none of these stations exceed the allowed cumulative interference level of 10%. Stations that exceed the minimum geographic spacing requirements for new stations³ are presumed to have zero or much less than de minimis interference. For the proposed Channel 13 operation, all stations listed in the FCC data base (CDBS 9/22/00) are fully spaced except for KBAO(TV) CP Channel 13, Lewistown, Montana.

Further, an examination of co-channel low-power television and translator stations within 50 km has been performed. No other low-power or translator station is found that requires further consideration. Therefore, it is believed that the request for DTV channel will be consistent with the FCC Rules. In addition, a review of the Class A list of those stations qualifying for a certificate of eligibility find that no potential Class A station needs to be considered with this request to amend Section 73.622 of the FCC Rules.

²"Additional Application Processing Guidelines for Digital Television (DTV)", Public Notice 84889 (August 10, 1998).

³47 C.F.R., Section 73.623(d).

COHEN, DIPPELL AND EVERIST, P.C.

TABLE I
POTENTIAL INTERFEREES OF
KBZK-TV, BOZEMAN, MONTANA
CHANNEL 13, 160 KW, 305 METERS
OCTOBER 2000

<u>NTSC</u>	<u>Channel</u>	<u>Status</u>	<u>City/State</u>	<u>Power</u> kW	<u>Bearing/Distance</u> <u>from KBZK-DT</u>	<u>New Interference*</u>
KTVH-TV	13	Lic.	Helena, MT	117	334°/144 km	fully-spaced
KTVH-TV	13	CP	Helena, MT	209	334°/144 km	fully-spaced
KTVH-TV	13	App.	Helena, MT	217	334°/144 km	fully-spaced
KBAO(TV)	13	CP	Lewistown, MT	9	31°/196 km	0.0%
KECI-TV	13	Lic.	Missoula, MT	302	303°/285 km	fully-spaced
<u>DTV</u>						
KSGW-DT	13	PRM	Sheridan, WY	50	110°/317 km	fully-spaced

COHEN, DIPPELL AND EVERIST, P. C.

Source: FCC CDBS 9/22/00

*Stations that exceed the minimum geographic spacing requirements for new stations [§73.623(d)] are presumed to receive much less than de minimis interference.